

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

ALTHEA A. ANDERSON

PLAINTIFF

v.

4:07CV01217-WRW

**HLR, LLC, d/b/a THE HILTON
LITTLE ROCK**

DEFENDANT

ORDER

Pending is Defendant's Motion And Memorandum of Law To Stay Consideration of Plaintiff's Motion To Appoint Counsel (Doc. No. 19) in which Defendant asks the Court to stay consideration of Plaintiff's Motion until after the Court rules on Defendant's pending Motion To Dismiss. Defendant assumes that because Plaintiff currently lives at an address different than the one she provided on her EEOC Charge of Discrimination, and because Plaintiff's right to sue letter was returned as undeliverable, Plaintiff failed to inform the EEOC of her change of address.¹ The record supports neither a conclusion in favor of nor against Defendant's assumption. Because the record is incomplete in connection with whether Plaintiff did not receive her right to sue letter due to circumstances truly beyond her control,² a ruling on Defendant's Motion to Dismiss is premature. Plaintiff's Motion to Appoint Counsel is under consideration. Accordingly, Defendant's Motion To Stay Consideration (Doc. No. 19) is DENIED.

IT IS SO ORDERED this 12th day of February, 2008.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹Doc. Nos. 12, 13.

²*Hill v. Chezik Imports*, 869 F.2d 1122, 1124 (8th Cir. 1989).